

# House Bill 2412

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Teacher Standards and Practices Commission)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes outdated provisions and updates terminology related to teachers.

Removes requirement that superintendents of education service districts have additional certification.

Eliminates certain requirements for becoming approved educator preparation provider or approved educator preparation program.

Eliminates certain requirements for licensure of out-of-state applicant.

Renames "Minority Teacher Act of 1991" to "Educators Equity Act." Expands scope of Act to include post-secondary education.

## A BILL FOR AN ACT

1  
2 Relating to educators; amending ORS 327.008, 327.495, 329.840, 332.075, 332.155, 332.505, 334.225,  
3 336.631, 338.115, 338.135, 342.120, 342.121, 342.127, 342.135, 342.138, 342.143, 342.144, 342.147,  
4 342.165, 342.173, 342.175, 342.176, 342.177, 342.180, 342.192, 342.195, 342.200, 342.203, 342.208,  
5 342.223, 342.360, 342.390, 342.433, 342.437, 342.443, 342.447, 342.449, 342.950, 342.971, 351.077,  
6 351.115 and 681.375, and section 10, chapter 519, Oregon Laws 2011, section 3, chapter 778,  
7 Oregon Laws 2013, and section 1, chapter 98, Oregon Laws 2014; and repealing ORS 342.140,  
8 342.156, 342.167, 342.190, 342.197, 342.227 and 342.232.

9 **Be It Enacted by the People of the State of Oregon:**

10 **SECTION 1.** ORS 342.120 is amended to read:

11 342.120. As used in this chapter, unless the context requires otherwise:

12 (1) "Administrator" includes but is not limited to all superintendents, assistant  
13 superintendents, *[and]* principals **and academic program directors** in *[the]* public schools or edu-  
14 cation service districts **who have direct responsibility for supervision or evaluation of licensed**  
15 **teachers and who are compensated for their services from public funds.**

16 (2) "Administrative license" means a license issued under ORS 342.125 (2)(c) or (3)(f) or  
17 (g).

18 (3) "Approved educator preparation program" means a licensure program that is offered  
19 by an approved educator preparation provider and meets the standards of the Teacher  
20 Standards and Practices Commission.

21 (4) "Approved educator preparation provider" means an entity that meets the standards  
22 of the Teacher Standards and Practices Commission for preparation of licensed educators for  
23 preprimary programs through grade 12.

24 *[(2) "Approved teacher education institution" is one which meets the standards of the Teacher*  
25 *Standards and Practices Commission for preparation of teachers for preprimary programs and grades*  
26 *1 through 12.]*

27 *[(3) "Approved teacher education program" is one offered by an approved teacher education insti-*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *tution and is so recognized by the Teacher Standards and Practices Commission, after considering*  
 2 *recommendations of the State Board of Education.]*

3 [(4) “Commission” means the Teacher Standards and Practices Commission.]

4 [(5) “Educational assistant” means a classified school employee who does not require a license to  
 5 teach, who is employed by a school district or education service district and whose assignment consists  
 6 of and is limited to assisting a licensed teacher in accordance with rules established by the State Board  
 7 of Education.]

8 [(6) (5) “Instruction” includes **preparation of curriculum, assessment and** direction of  
 9 learning in class, in small groups, in individual situations, **online**, in the library and in guidance and  
 10 counseling, but does not include the provision of related services, as defined in ORS 343.035, to a  
 11 child identified as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in  
 12 accordance with ORS 343.221.

13 **(6) “Instructional assistant” means a classified school employee who does not require a**  
 14 **license to teach, who is employed by a school district or education service district and whose**  
 15 **assignment consists of and is limited to assisting a licensed teacher in accordance with rules**  
 16 **established by the Teacher Standards and Practices Commission.**

17 [(7) “Intern teacher” means a regularly enrolled student of an approved teacher education institu-  
 18 tion who teaches under the supervision of the staff of the institution and of the employing school district  
 19 in order to acquire practical experience in teaching and for which the student receives both academic  
 20 credit from the institution and financial compensation from the school district or education service  
 21 district.]

22 [(8) “State board” means the State Board of Education.]

23 [(9) (7) “Teacher” includes all licensed employees in the public schools or employed by an ed-  
 24 ucation service district who have direct responsibility for instruction[,] **or** coordination of educa-  
 25 tional programs [or supervision or evaluation of teachers] and who are compensated for their services  
 26 from public funds. “Teacher” does not include a school nurse as defined in ORS 342.455 **or an in-**  
 27 **structional assistant.**

28 [(10) (8) “Teaching license” means a license issued under ORS 342.125 or 342.144.

29 [(11) (9) “Underrepresented person” means:

30 (a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

31 (b) A person of Hispanic culture or origin;

32 (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the  
 33 Indian subcontinent or the Pacific Islands; or

34 (d) An American Indian or Alaskan Native having origins in any of the original peoples of North  
 35 America.

36 **SECTION 2.** ORS 342.121 is amended to read:

37 342.121. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers  
 38 and administrators who possess the minimum competencies, knowledge and skills to teach and ad-  
 39 minister in the public schools of [the] **this** state.

40 (2)[(a)] In addition to a teaching or administrative license, a person may obtain professional  
 41 certification, indicating a higher degree of competency, knowledge and skill based on work experi-  
 42 ence and advanced study, from a professional organization of teachers or administrators on the na-  
 43 tional level. A professional teaching certificate or administrative certificate is not required to teach  
 44 or administer in a public school of this state.

45 [(b) In addition to holding an administrative license as a superintendent, a person who is a su-

1 *perintendent of an education service district shall obtain certification, indicating a higher degree of*  
 2 *competency, knowledge and skill based on work experience and advanced study, from the commission.*  
 3 *The certificate shall be designed to ensure that the superintendent has knowledge of theories related to*  
 4 *change, strategic planning and financial planning and is capable of formulating interorganizational*  
 5 *cooperation and developing partnerships. The certificate described in this paragraph is required for a*  
 6 *person to be a superintendent of an education service district of this state.]*

7 **SECTION 3.** ORS 342.127 is amended to read:

8 342.127. (1) The Teacher Standards and Practices Commission shall establish and [*the commission*  
 9 *shall*] collect:

10 (a) A fee not to exceed \$100 for evaluation of the initial application for each teaching license  
 11 for which application is made. If the applicant is eligible for the teaching license for which appli-  
 12 cation is made and the license is issued within 90 days of original application, the commission shall  
 13 issue the license without additional charge.

14 (b) A fee not to exceed \$100 for the renewal of each teaching license and a fee not to exceed  
 15 \$20 for each duplicate teaching license.

16 (c) A fee not to exceed \$800 for a beginning teacher assessment conducted in lieu of an approved  
 17 preparation program required for licensure.

18 (d) A fee not to exceed \$200 for alternative assessment conducted in lieu of a passing score on  
 19 a licensure examination established by the commission.

20 (e) A fee not to exceed \$75 for registration as a public charter school teacher or administrator  
 21 that includes any fee charged pursuant to rules adopted under ORS 181.534.

22 (f) A fee not to exceed \$75 for renewal of a registration as a public charter school teacher or  
 23 administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

24 (2) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 25 license, the [*Teacher Standards and Practices*] commission shall collect a fee not to exceed \$150 for  
 26 the evaluation of an applicant requesting licensing based upon completion of **an educator prepa-**  
 27 **ration program** other than an Oregon approved [*teacher education*] **educator preparation** program.

28 (3) In addition to the fees required by subsection (1) of this section, the [*Teacher Standards and*  
 29 *Practices*] commission shall collect a late application fee not to exceed \$25 per month up to a max-  
 30 imum of \$125 from an applicant who fails to make timely application for renewal of the license or  
 31 registration. The actual amount of the fee shall be determined in accordance with rules of the  
 32 [*Teacher Standards and Practices*] commission.

33 (4) In spite of the expiration date posted on the license, the license shall continue to be valid  
 34 for purposes of ORS 342.173 for an additional 120 days. However, the district may require a state-  
 35 ment from the applicant indicating that the applicant has completed the requirements for license  
 36 renewal.

37 (5) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 38 license, the commission shall collect a fee not to exceed \$150 for the reinstatement of a license that  
 39 has been revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

40 (6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 41 license, the commission shall collect a fee not to exceed \$100 for the issuance of any emergency li-  
 42 cense through an expedited process at the request of any school district or education service district  
 43 that seeks to employ the applicant.

44 (7) [*Fee rates*] **Fees** established under this section shall cover, but not exceed, the full cost of  
 45 administrative expenses incurred by the commission during any biennium.

1        **SECTION 4.** ORS 342.135 is amended to read:

2        342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any  
3 instructional assignment from preprimary through grade 12 for which the holder has completed the  
4 professional requirements established by the rules of the Teacher Standards and Practices Commis-  
5 sion.

6        (2)(a) A basic teaching license shall be issued on application to an otherwise qualified person  
7 who has completed an approved [*teacher education*] **educator preparation** program and meets the  
8 other requirements that the Teacher Standards and Practices Commission may consider necessary  
9 to maintain and improve quality of instruction in the public schools of the state.

10        (b) Holders of the basic teaching license who meet the requirements of the Teacher Standards  
11 and Practices Commission to teach in the regular classroom program of the public schools in  
12 kindergarten through grade nine may renew the basic license to qualify [*them*] **the licensees** to  
13 continue in such teaching by verification of successful teaching experience and of continuing pro-  
14 fessional development in keeping with Teacher Standards and Practices Commission rules.

15        (c) A holder of the basic teaching license with an endorsement in art, educational media, foreign  
16 language, health, home economics, industrial arts, music, physical education and reading may renew  
17 the initial basic license by verification of successful teaching experience and of continuing profes-  
18 sional development in keeping with Teacher Standards and Practices Commission rules. This para-  
19 graph applies to licenses for preprimary programs and grades 1 through 8 and shall include grade  
20 9 if the teacher is teaching in a middle school or a junior high.

21        (d) Secondary teachers may teach in the public schools, grades 5 through 12, in those subject  
22 fields in which [*they*] **the teachers** have met the requirements of the Teacher Standards and Prac-  
23 tices Commission.

24        (e) A holder of a standard teaching license who meets the requirements of the Teacher Stan-  
25 dards and Practices Commission to teach in the regular classroom program of the public schools in  
26 kindergarten through grade 12 is eligible to renew the standard license to qualify to continue in  
27 such teaching by verification of successful teaching experience and of continuing professional de-  
28 velopment consistent with rules of the Teacher Standards and Practices Commission.

29        (3)(a) A standard teaching license shall be issued on application to an otherwise qualified person  
30 who has completed an approved [*teacher education*] **educator preparation** program, has taught on  
31 a basic teaching license for a minimum period of time to be determined by the Teacher Standards  
32 and Practices Commission, and is recommended for licensing by the approved [*teacher education in-*  
33 *stitution*] **educator preparation provider** or the school district, whichever offered the program.

34        (b) Preparation shall be a planned education program consisting of courses taken [*in an ap-*  
35 *proved teacher education institution or in*] **through an approved educator preparation provider**  
36 **or through** an in-service training program offered by a school district for which credit is given by  
37 an approved [*teacher education institution*] **educator preparation provider** or some combination of  
38 both, in accordance with rules of the Teacher Standards and Practices Commission.

39        (4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Com-  
40 mission shall by rule adopt dates by which continuing professional development is required for re-  
41 newal of a basic or standard teaching license.

42        **SECTION 5.** ORS 342.138 is amended to read:

43        342.138. (1) A professional teaching license, a continuing personnel service license or a contin-  
44 uing administrative license shall qualify the holder to accept any assignments for preprimary  
45 through grade 12 for which the holder has completed the advanced requirements established by the

1 rules of the Teacher Standards and Practices Commission.

2 (2) A professional teaching license, a continuing personnel service license or a continuing ad-  
3 ministrative license shall be issued on application for five years to an otherwise qualified person  
4 who has:

5 (a) Completed an advanced professional education program approved by the commission;

6 (b) Been employed for a minimum period of time to be determined by the commission in:

7 (A) An Oregon public school;

8 (B) An Oregon private school that meets the standards adopted by the commission by rule; or

9 (C) Another educational setting approved by the commission; and

10 (c) Demonstrated minimum competencies, knowledge and skills required for the professional  
11 teaching license, continuing personnel service license or continuing administrative license through  
12 an approved [*teacher education institution*] **educator preparation provider**, school district, profes-  
13 sional organization [*identified*] **described** in ORS 342.121, or professional assessment approved by the  
14 commission.

15 (3) The holder of a professional teaching license, continuing personnel service license or con-  
16 tinuing administrative license may renew the license in accordance with the rules of the commission.

17 (4) A professional teaching license shall indicate that the holder has taught for more than three  
18 and one-half years and is ready to take on advanced roles and responsibilities as a teacher, including  
19 mentoring, curriculum development support, teacher preparation support and other educational  
20 leadership.

21 **SECTION 6.** ORS 342.143 is amended to read:

22 342.143. (1) [*No*] **A** teaching, personnel service or administrative license, **or public charter**  
23 **school registration**, may **not** be issued to any person until the person has attained the age of 18  
24 years and has furnished satisfactory evidence of proper educational training.

25 (2) The Teacher Standards and Practices Commission may require an applicant for a teaching,  
26 personnel service or administrative license or for registration as a public charter school teacher or  
27 administrator to furnish evidence satisfactory to the commission of good moral character, mental  
28 and physical health, and such other evidence as [*it*] **the commission** may deem necessary to es-  
29 tablish the applicant's fitness to serve as a teacher or administrator.

30 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-  
31 section (2) of this section:

32 (a) [*No*] **A** teaching, personnel service or administrative license, **or a public charter school**  
33 registration, [*as a public charter school teacher or administrator*] may **not** be issued to any person  
34 who:

35 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,  
36 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,  
37 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),  
38 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,  
39 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,  
40 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, 475.868,  
41 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

42 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in  
43 subparagraph (A) of this paragraph.

44 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as  
45 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

1 (D) Has had a teaching, personnel service or administrative license, or a **public charter school**  
2 registration, revoked in another jurisdiction for a reason that is substantially equivalent, as defined  
3 by rule, to a reason described in ORS 342.175 and the revocation is not subject to further appeal.  
4 A person whose privilege to apply for a license or registration is denied under this subparagraph  
5 may apply for reinstatement of the privilege as provided in ORS 342.175 (4).

6 (b) The Teacher Standards and Practices Commission may refuse to issue a license or registra-  
7 tion to any person who has been convicted of a crime involving the illegal use, sale or possession  
8 of controlled substances.

9 (4) In denying the issuance of a license or registration under this section, the commission shall  
10 follow the procedure set forth in ORS 342.176 and 342.177.

11 *[(5) The Department of Education shall provide school districts and public charter schools a copy*  
12 *of the list contained in subsection (3) of this section.]*

13 **SECTION 7.** ORS 342.144 is amended to read:

14 342.144. (1) As used in this section, "American Indian tribe" means an Indian tribe as that term  
15 is defined in ORS 97.740.

16 (2) The Legislative Assembly declares that teaching American Indian languages is essential to  
17 the proper education of American Indian children.

18 (3) The Teacher Standards and Practices Commission shall establish an American Indian lan-  
19 guages teaching license.

20 (4) Each American Indian tribe may develop a written and oral test that must be successfully  
21 completed by an applicant for an American Indian languages teaching license in order to determine  
22 whether the applicant is qualified to teach the tribe's native language. When developing the test, the  
23 tribe shall determine:

24 (a) Which dialects will be used on the test;

25 (b) Whether the tribe will standardize the tribe's writing system; and

26 (c) How the teaching methods will be evaluated in the classroom.

27 (5) The test shall be administered at an appropriate location that does not create hardship for  
28 the tribal members administering the test.

29 (6) The commission may not require an applicant to hold a specific academic degree, to complete  
30 a specific amount of education or to complete *[a teacher education]* **an educator preparation** pro-  
31 gram to receive an American Indian languages teaching license.

32 (7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching  
33 position in a school district, public charter school, education service district, community college or  
34 public university listed in ORS 352.002.

35 (b) A holder of an American Indian languages teaching license who does not also have a  
36 teaching license issued under ORS 342.125 may not teach in a school district or education service  
37 district any subject other than the American Indian language the holder of the license is approved  
38 to teach by the tribe.

39 (c) A holder of an American Indian languages teaching license who does not also have a  
40 teaching license or registration issued under ORS 342.125 may not teach in a public charter school  
41 any subject other than the American Indian language the holder of the license is approved to teach  
42 by the tribe.

43 (8)(a) As used in this subsection, "technical assistance program" means a program provided to  
44 an American Indian languages teacher by a licensed teacher with three or more years of teaching  
45 experience. A technical assistance program may include direct classroom observation and consulta-

1 tion, assistance in instructional planning and preparation, support in implementation and delivery  
2 of classroom instruction, and other assistance intended to enhance the professional performance and  
3 development of the American Indian languages teacher.

4 (b) The holder of an American Indian languages teaching license who does not also have an  
5 administrative license, teaching license or registration issued under ORS 342.125 and who is em-  
6 ployed by a school district, public charter school or education service district shall participate in  
7 a technical assistance program with a person holding a teaching license issued by the commission  
8 under ORS 342.125. The technical assistance program shall meet the guidelines specified in ORS  
9 329.815 (2) to (4).

10 (9) An American Indian languages teaching license shall be valid for three years and may be  
11 renewed upon application from the holder of the license.

12 **SECTION 8.** ORS 342.147 is amended to read:

13 342.147. (1) *[After considering recommendations of the State Board of Education,]* The Teacher  
14 Standards and Practices Commission shall establish by rule standards for approval of *[teacher edu-*  
15 *cation institutions and teacher education programs]* **educator preparation providers and educator**  
16 **preparation programs.** *[Public teacher education institutions shall be approved for programs of more*  
17 *than four years' duration only if teacher education programs which are reasonably attainable in a*  
18 *four-year period are also available in the system of higher education and are designed to culminate in*  
19 *a baccalaureate degree that qualifies its graduates for entry-level teaching licenses.]*

20 (2) The commission shall establish rules that allow *[teacher education]* **educator preparation**  
21 programs leading to graduate degrees to commence prior to the *[student's]* **candidate's** completion  
22 of baccalaureate degree requirements and that allow the combined use of undergraduate and grad-  
23 uate level course work in achieving program completion.

24 (3) Whenever any *[teacher education institution or program]* **educator preparation provider or**  
25 **educator preparation program** is denied approved status or has such status withdrawn, *[such]* **the**  
26 denial or withdrawal must be treated as a contested case *[within the meaning of]* **under** ORS chapter  
27 183.

28 (4) Nothing in this section is intended to grant *[any authority]* to the **Teacher Standards and**  
29 **Practices Commission any authority** relating to granting degrees or establishing degree require-  
30 ments that are within the authority of the State Board of Higher Education, **the Higher Education**  
31 **Coordinating Commission** or any of the public universities listed in ORS 352.002, or that are  
32 within the authority of the governing board of any private institution of higher education.

33 **SECTION 9.** ORS 342.165 is amended to read:

34 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall  
35 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension  
36 or reinstatement of licenses or registrations issued under ORS 342.120 to 342.430. The commission  
37 shall also adopt rules establishing means in addition to those prescribed by law whereby teachers  
38 are able to add additional endorsements to their teaching licenses.

39 (2) In establishing rules the commission shall consider:

40 (a) Its responsibilities to represent the public interest in the development of educational policies;

41 (b) The capabilities of Oregon *[teacher education institutions]* **educator preparation providers**  
42 to prepare *[teachers]* **educators**;

43 (c) The norms required for the *[teaching]* **educator** assignments;

44 (d) The improvement of teaching **and student learning**;

45 (e) The adequacy of the *[teacher]* supply **of licensed educators**;

1 (f) The value of experience or nonacademic learning;

2 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;

3 **and**

4 [(h) *The recommendations of the State Board of Education and Superintendent of Public Instruc-*  
5 *tion; and*]

6 [(i) (h) Other matters that tend to improve education.

7 **SECTION 10.** ORS 342.173 is amended to read:

8 342.173. [(1)] Any school district **or education service district** that employs any person not  
9 properly licensed **or registered** by the Teacher Standards and Practices Commission, **or licensed**  
10 **by the commission but not** [*and*] assigned in accordance with the terms specified by the person's  
11 license, shall [*forfeit in State School Fund moneys due the district an amount determined by the*  
12 *Teacher Standards and Practices Commission not to exceed the amount of the salary paid to the person*  
13 *for the time during which the person is employed. The forfeiture*] **be subject to sanctions imposed**  
14 **by the commission as provided by rules adopted by the commission. A sanction** is effective  
15 unless:

16 [(a)] (1) The assignments are made with justification satisfactory to the Teacher Standards and  
17 Practices Commission.

18 [(b)] (2) The [*teacher*] **person** is employed **as a teacher** by a post-secondary institution that is  
19 accredited by the Northwest Commission on Colleges and Universities or its successor, and that has  
20 a contract with a school district under which the [*teacher*] **person** is teaching at the high school  
21 level. The contract shall be approved annually by the [*State Board of Education under rules adopted*  
22 *by the board*] **Teacher Standards and Practices Commission**, including criteria for a [*teacher's*]  
23 **person's** qualifications under [*subparagraph (C) of this*] paragraph (c) **of this subsection**. The  
24 contract shall:

25 [(A)] (a) Be for a specific instructional assignment for which the district does not have appro-  
26 priately licensed personnel either on staff or available to be placed on staff after a reasonably dili-  
27 gent search;

28 [(B)] (b) Be approved annually by the governing boards of the post-secondary institution and the  
29 [*school*] district including a written determination that appropriately licensed personnel have not  
30 become available since the previous contract for the assignment;

31 [(C)] (c) Provide evidence that the [*teacher's*] **person's** qualifications are appropriate for the  
32 assignment;

33 [(D)] (d) Allow the [*teacher*] **person** to teach no more than two high school units of credit or  
34 the equivalent per year; and

35 [(E)] (e) Not be valid during a school closure, strike or summer session.

36 [(c)] (3) The person is teaching [*a live, interactive distance learning course*] **an online course**  
37 originating outside the state.

38 [(2) A school district shall be required under subsection (1) of this section to forfeit not more than  
39 \$1,000 of State School Fund moneys due the district if the license has lapsed during the time of em-  
40 ployment with the district and the holder had at the time the license expired all the qualifications  
41 necessary to renew the license.]

42 [(3) Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed  
43 staff members in positions requiring licensed personnel during the time of a labor dispute shall forfeit  
44 in State School Fund moneys an amount equal to the daily salary rate multiplied by the number of  
45 teaching days for each unlicensed teaching employee during the entire labor dispute.]



1        [(4) If the State Board of Education finds a contract to be in violation of the provisions of sub-  
2 section (1)(b) of this section, the board shall report the violation to the Teacher Standards and Practices  
3 Commission, which shall proceed as provided in subsection (1) of this section.]

4        [(5) Any education service district that employs any person not properly licensed by the Teacher  
5 Standards and Practices Commission and assigned in accordance with the terms specified in the  
6 person's license shall pay from its funds an amount determined by the Teacher Standards and Prac-  
7 tices Commission not to exceed the amount of salary paid to the person for the time during which the  
8 person was employed. The payment shall be required unless the assignment is made with justification  
9 satisfactory to the commission. All amounts received under this subsection shall be credited to the State  
10 School Fund.]

11       [(6) An education service district shall be required under subsection (5) of this section to pay a  
12 penalty of not more than \$1,000 if the license has lapsed during the time of employment with the district  
13 and the holder had at the time the license expired all the qualifications necessary to renew the  
14 license.]

15       [(7) Subject to any applicable collective bargaining agreement, an education service district required  
16 to pay any penalty under subsection (6) of this section is entitled to recover one-half of the amounts paid  
17 from the licensed personnel whose unlicensed status caused the payment. Recovery may not exceed  
18 one-half of the amount paid that is attributable to the licensed person.]

19       [(8) The Teacher Standards and Practices Commission shall notify districts of the licensing expi-  
20 ration dates of their employees who are reported to the commission. The reporting shall be done in a  
21 manner specified by the commission.]

22       [(9) Subject to any applicable collective bargaining agreement, a district required to forfeit any  
23 State School Fund moneys under subsection (2) of this section is entitled to recover one-half of the  
24 amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Recovery  
25 may not exceed one-half of the amount forfeited that is attributable to the particular licensed person.]

26       [(10) A school district or education service district that assigns a teacher to be present in the  
27 classroom during a live, interactive distance learning presentation may not be subject to the forfeiture  
28 described in subsection (1) of this section solely because the assignment does not conform to the terms  
29 specified on the license of the teacher.]

30        **SECTION 11.** ORS 342.175 is amended to read:

31        342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license  
32 or registration of a teacher or administrator, discipline a teacher or administrator, or suspend or  
33 revoke the [right] **privilege** of any person to apply for a license or registration, if the licensee,  
34 registrant or applicant has held a license or registration:

35        **(a) At any time prior to issuance of the notice of charges under ORS 342.176 based on**  
36 **conviction of a crime listed in ORS 342.143 (3); or**

37        **(b) At any time within five years prior to issuance of the notice of charges under ORS 342.176**  
38 **based on the following:**

39        [(a)] **(A)** Conviction of a crime not listed in ORS 342.143 (3);

40        [(b)] **(B)** Gross neglect of duty;

41        [(c)] **(C)** Any gross unfitness;

42        [(d)] **(D)** Conviction of a crime for violating any law of this **state** or any state or of the United  
43 States involving the illegal use, sale or possession of controlled substances;

44        [(e)] **(E)** Any false statement [*knowingly*] made in an application for issuance, renewal or rein-  
45 statement of a license or registration; or

1        *[(f)]* **(F)** Failure to comply with any condition of reinstatement under subsection (4) of this sec-  
 2 tion or any condition of probation under ORS 342.177 (3)(b).

3        (2) If a person is enrolled in an approved *[teacher education institution or program]* **educator**  
 4 **preparation program** under ORS 342.147, the commission may issue a public reprimand or suspend  
 5 or revoke the *[right]* **privilege** to apply for a license or registration based on the following:

6        (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by  
 7 rule;

8        (b) Conviction of a crime for violating any law of this **state** or any state or of the United States  
 9 involving the illegal use, sale or possession of controlled substances; or

10        (c) Any conduct that may cause the commission to suspend or revoke the license or registration  
 11 of a teacher.

12        (3) The commission shall revoke any license or registration and shall revoke the *[right]* **privilege**  
 13 of any person to apply for a license or registration if the person has held a license or registration  
 14 at any time and the holder or applicant has been convicted of any crime *[described]* **listed** in ORS  
 15 342.143 (3).

16        (4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5)  
 17 of this section, any person whose license or registration has been *[suspended or]* revoked, or whose  
 18 privilege to apply for a license or registration has been revoked, may apply to the commission for  
 19 reinstatement of the license or registration after one year from the date of the *[suspension or]* re-  
 20 vocation.

21        **(b) Any person whose license or registration has been suspended or whose privilege to**  
 22 **apply for a license or registration has been suspended may apply to the commission for**  
 23 **reinstatement of the license or registration.**

24        (c) The commission may require an applicant for reinstatement to furnish evidence satisfactory  
 25 to the commission of good moral character, mental and physical health and such other evidence as  
 26 the commission may consider necessary to establish the applicant's fitness. The commission may  
 27 impose a probationary period and such conditions as *[it]* **the commission** considers necessary upon  
 28 approving an application for reinstatement.

29        (5) The commission shall reconsider immediately a license or registration suspension or revoca-  
 30 tion or the situation of a person whose privilege to apply for a license or registration has been re-  
 31 voked, upon application therefor, when the license or registration suspension or revocation or the  
 32 privilege revocation is based on a criminal conviction that is reversed on appeal.

33        (6) Violation of rules adopted by the commission relating to competent and ethical performance  
 34 of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

35        (7) A copy of the record of conviction, certified to by the clerk of the court entering the con-  
 36 viction, shall be conclusive evidence of a conviction described in this section.

37        **SECTION 12.** ORS 342.176 is amended to read:

38        342.176. (1) The Teacher Standards and Practices Commission shall promptly undertake an in-  
 39 vestigation upon receipt of a complaint or information that may constitute grounds for:

40        (a) Refusal to issue a license or registration, as provided under ORS 342.143;

41        (b) Suspension or revocation of a license or registration, discipline of a person holding a license  
 42 or registration, or suspension or revocation of the *[right]* **privilege** to apply for a license or regis-  
 43 tration, as provided under ORS 342.175; or

44        (c) Discipline for failure to provide appropriate notice prior to resignation, as provided under  
 45 ORS 342.553.

1 (2) The commission may appoint an investigator and shall furnish the investigator with appro-  
 2 priate professional and other special assistance reasonably required to conduct the investigation,  
 3 and the investigator is empowered to **issue subpoenas to require the attendance of witnesses**  
 4 **or the production of documents over the signature of the executive director of the commis-**  
 5 **sion**, subpoena witnesses over the signature of the executive director, swear witnesses and compel  
 6 obedience in the same manner as provided under ORS 183.440 (2).

7 (3) Following completion of the investigation, the executive director **or the executive**  
 8 **director's designee** shall report in writing any findings and recommendations to:

9 (a) The commission, meeting in executive session, at its next regular meeting following com-  
 10 pletion of the investigation; and

11 (b) The person against whom the charge is made, **following consideration by the**  
 12 **commission.**

13 (4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used  
 14 in the investigation **undertaken as provided by this section** and the report **related to the in-**  
 15 **vestigation** [of the executive director] are confidential and not subject to public inspection unless the  
 16 commission makes a final determination to:

17 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

18 (B) Suspend or revoke a license or registration, discipline a person holding a license or regis-  
 19 tration, or suspend or revoke the [right] **privilege** to apply for a license or registration, as provided  
 20 under ORS 342.175; or

21 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided  
 22 under ORS 342.553.

23 (b) Records made available to the commission under ORS 419B.035 (1)(h) shall be kept confi-  
 24 dential.

25 (5) If the commission finds from the report that there is sufficient cause to justify holding a  
 26 hearing under ORS 342.177, [it] **the commission** shall notify in writing:

27 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for  
 28 hearing;

29 (b) The complainant; and

30 (c) The employing district or public charter school, if any.

31 (6) If the commission finds from the report that there is not sufficient cause to justify holding  
 32 a hearing under ORS 342.177, [it] **the commission** shall notify in writing:

33 (a) The person charged;

34 (b) The complainant; and

35 (c) The employing district or public charter school, if any.

36 (7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section  
 37 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

38 **SECTION 13.** ORS 342.177 is amended to read:

39 342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge  
 40 assigned from the Office of Administrative Hearings established under ORS 183.605.

41 (b) Any hearing conducted under this [subsection] **section** shall be private unless the person  
 42 against whom the charge is made requests a public hearing. Students attending school in the em-  
 43 ploying district may not attend any hearing except as witnesses duly subpoenaed to testify with re-  
 44 spect to the charges made. Students attending a public charter school that employs the person may  
 45 not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges

1 made. The person **charged** [*against whom the charge is made*] shall have the right to be represented  
 2 by counsel and to present evidence and argument. The evidence must be confined to the charges.

3 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas  
 4 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an  
 5 attorney of record subscribed by the signature of the attorney or by the executive director. Wit-  
 6 nesses appearing pursuant to subpoena, other than the parties or officers or employees of the com-  
 7 mission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The  
 8 commission or the person charged shall have the right to compel the attendance and obedience of  
 9 witnesses in the same manner as provided under ORS 183.440 (2).

10 (3) The commission shall render its decision at its next regular meeting following the hearing.  
 11 If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven,  
 12 the commission may take any or all of the following disciplinary action against the person charged:

13 (a) Issue a public reprimand.

14 (b) Place the person on probation for a period not to exceed four years and subject to such  
 15 conditions as the commission considers necessary.

16 (c) Suspend the license or registration of the teacher or administrator for a period not to exceed  
 17 one year.

18 (d) Revoke the license or registration of the teacher or administrator.

19 (e) Revoke the privilege to apply for a license or registration.

20 (4) If the decision of the commission is that the charge is not proven, the commission shall order  
 21 the charges dismissed.

22 (5) The commission shall notify in writing the person charged[,] **and** the employing [*school*] dis-  
 23 trict or public charter school [*and the Superintendent of Public Instruction*] of the decision.

24 **SECTION 14.** ORS 342.180 is amended to read:

25 342.180. (1) Any person whose license or registration has been suspended or revoked or who has  
 26 been disciplined, or who has been refused issuance or reinstatement of a license or registration, and  
 27 is aggrieved at the decision of the Teacher Standards and Practices Commission, may appeal in the  
 28 manner provided in ORS 183.480.

29 (2) If [*the Superintendent of Public Instruction,*] the district school board or the public charter  
 30 school employing the teacher or administrator is aggrieved at the decision of the commission, [*the*  
 31 *superintendent,*] the board or the school may appeal from the decision in the manner provided in ORS  
 32 183.480.

33 (3) Unless the decision of the commission is accompanied by a finding that immediate suspension  
 34 or revocation of the teaching license or registration is necessary to protect the safety and well-being  
 35 of students, an appeal made under this section in a proceeding to suspend or revoke shall operate  
 36 as a stay of the suspension or revocation, if any, until the determination of the appeal.

37 **SECTION 15.** ORS 342.192 is amended to read:

38 342.192. (1) [*Except as provided in subsection (4) of this section,*] The Teacher Standards and  
 39 Practices Commission shall [*not*] issue a license to an out-of-state applicant [*unless*] **if** the applicant  
 40 has met the professional requirements established by rule by the commission and has completed a  
 41 course of study [*substantially similar to that required for an in-state applicant*] **approved by the**  
 42 **commission.**

43 [(2) *Notwithstanding subsection (1) of this section, if the commission establishes that the position*  
 44 *or positions to be filled are in a geographic or subject matter area in which there are an insufficient*  
 45 *number of in-state applicants, the commission may issue a license to an out-of-state applicant who has*

1 *completed a course of study approved by the commission.]*

2 *[(3) In situations described in subsection (2) of this section, the commission shall adopt by rule*  
3 *standards providing for equal treatment for graduates of approved Oregon colleges and universities.]*

4 *[(4) Notwithstanding subsection (1) of this section, the commission may enter into a reciprocal*  
5 *agreement with the appropriate official of any other state for licensure of applicants from the state if*  
6 *the commission determines that the standards and requirements for certification or licensure in that*  
7 *state are substantially similar to the standards and requirements for licensure under applicable statutes*  
8 *of this state and rules of the commission.]*

9 *[(5)]* **(2) [Teachers] Applicants** granted licenses under *[subsections (2), (3) and (4) of]* this section  
10 shall be required to meet all standards required of Oregon teachers, including the requirements of  
11 ORS 342.123, not later than *[three]* **two** years following the date of initial granting of the license.

12 **SECTION 16.** ORS 342.195 is amended to read:

13 342.195. (1) An otherwise qualified applicant for an initial or basic teaching license shall be  
14 granted the license upon payment of the required fees and the showing by proof satisfactory to the  
15 Teacher Standards and Practices Commission that:

16 (a) While the applicant was in the Peace Corps program or was a volunteer under section 603  
17 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

18 (A) Completed two years of satisfactory service that emphasized teaching in any preprimary  
19 program or in any grade 1 through 12 in subjects regularly taught in public schools; and

20 (B)(i) Has completed an approved *[teacher education]* **educator preparation** program; or

21 (ii) Has earned at least a baccalaureate degree from an accredited institution of higher educa-  
22 tion and has completed a teacher training program provided under the auspices of the federal pro-  
23 gram; or

24 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the  
25 applicant provides the commission with documentation of military training or experience that the  
26 commission determines is substantially equivalent to the training required for an initial or basic  
27 teaching license.

28 (2)(a) The commission shall establish by rule an expedited process by which a military spouse  
29 or domestic partner who is licensed to teach in another state may apply for and obtain a teaching  
30 license.

31 (b) As used in this subsection, "military spouse or domestic partner" means a spouse or domestic  
32 partner of an active member of the Armed Forces of the United States who is the subject of a mil-  
33 itary transfer to Oregon.

34 **SECTION 17.** ORS 342.200 is amended to read:

35 342.200. *[(1)]* In order to allow the school districts of the state to take full advantage of various  
36 professional skills and disciplines not directly developed through teaching experience or professional  
37 education for which teaching experience is a prerequisite, it is the public policy of the State of  
38 Oregon that the Teacher Standards and Practices Commission, in *[establishing professional require-*  
39 *ments and experience]* **prescribing qualifications** under ORS *[342.140]* **342.125**, shall consider pro-  
40 fessional skills, education and experience not directly related to, nor contingent upon, teaching  
41 experience or training as a classroom teacher.

42 *[(2) The commission shall establish and prescribe the requirements for an optional advanced lead-*  
43 *ership endorsement for licensed public school administrators who engage in mentoring, professional*  
44 *support for new teachers or administrators, outstanding instructional leadership and demonstrated*  
45 *school improvement.]*

**SECTION 18.** ORS 342.203 is amended to read:

342.203. (1) [*Annually not later than March 1,*] The Teacher Standards and Practices Commission shall [*cause to be circulated among all of the common and union high*] **regularly publish information online that can be accessed by** school districts, **public charter schools** and education service districts [*in this state a list of*] **and that includes the following:**

(a) All teachers and administrators whose teaching or administrative licenses have been suspended or revoked or who have been reprimanded or placed on probation during the preceding 12 months.

(b) All [*students at approved teacher education institutions or programs*] **candidates enrolled in approved educator preparation programs** under ORS 342.147 whose [*right*] **privilege** to apply for a license or registration has been suspended or revoked during the preceding 12 months.

(2) If the decision of the commission is appealed under ORS 342.180, the name of the teacher, administrator or [*student*] **candidate** shall not be [*placed on the list authorized by*] **published online under** subsection (1) of this section unless and until such decision has been sustained by the Court of Appeals or until the appeal has been dropped.

**SECTION 19.** ORS 342.208 is amended to read:

342.208. (1) The Oregon Education Investment Board shall develop model career pathways for [*educational*] **instructional** assistants, as defined in ORS 342.120, to become licensed teachers. The model career pathways must take into consideration the skills and experience attained by an [*educational*] **instructional** assistant.

(2) The model career pathways must identify:

(a) The minimum requirements for an [*educational*] **instructional** assistant to participate in a career pathway, including the requirement that the [*educational*] **instructional** assistant have attained at least an associate degree and be currently employed by a school district or an education service district.

(b) Guidelines for school districts, education service districts and institutions of higher education to collaborate to assist an [*educational*] **instructional** assistant who is participating in a career pathway.

**SECTION 20.** ORS 342.208, as amended by section 4, chapter 286, Oregon Laws 2013, is amended to read:

342.208. (1) The State Board of Education shall develop model career pathways for [*educational*] **instructional** assistants, as defined in ORS 342.120, to become licensed teachers. The model career pathways must take into consideration the skills and experience attained by an [*educational*] **instructional** assistant.

(2) The model career pathways must identify:

(a) The minimum requirements for an [*educational*] **instructional** assistant to participate in a career pathway, including the requirement that the [*educational*] **instructional** assistant have attained at least an associate degree and be currently employed by a school district or an education service district.

(b) Guidelines for school districts, education service districts and institutions of higher education to collaborate to assist an [*educational*] **instructional** assistant who is participating in a career pathway.

**SECTION 21.** ORS 342.223 is amended to read:

342.223. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Teacher Standards and Practices Commission may require the fingerprints of:

1 (a) A person who is applying for initial issuance of a license **or registration** under ORS 342.120  
 2 to 342.430 as a teacher, administrator or personnel specialist if the person has not submitted to a  
 3 criminal records check by the commission within the previous [*year*] **three years or has remained**  
 4 **continuously licensed by or registered with the commission for a different license or regis-**  
 5 **tration for which the person already has submitted to a criminal records check by the com-**  
 6 **mission.**

7 (b) A person who is applying for reinstatement of a license **or registration** as a teacher, ad-  
 8 ministrator or personnel specialist, **or a certificate as a school nurse**, whose license, **registration**  
 9 **or certificate** has lapsed for at least three years.

10 (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
 11 nurse.

12 (d) A person who is registering with the commission for student teaching, practicum or  
 13 internship as a teacher, administrator or personnel specialist, if the person **does not hold a current**  
 14 **license issued by the commission and** has not submitted to a criminal records check by the  
 15 commission within the previous three years for student teaching, practicum or internship as a  
 16 teacher, administrator or personnel specialist.

17 (e) A person who is applying for initial issuance of a registration as a public charter school  
 18 teacher or administrator under ORS 342.125.

19 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to  
 20 issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated  
 21 in ORS 342.143.

22 (3) A person may appeal the refusal to issue an initial license, [*certificate or*] registration **or**  
 23 **certificate** under this section as a contested case under ORS 183.413 to 183.470, but the refusal to  
 24 renew or reinstate a license or registration is subject to ORS 342.175 to 342.180, and the commission  
 25 shall notify the person of the right to appeal.

26 **SECTION 22.** ORS 342.360 is amended to read:

27 342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist  
 28 of:

- 29 (a) Four elementary teachers;
- 30 (b) Four junior or senior high school teachers;
- 31 (c) One elementary school administrator;
- 32 (d) One junior or senior high school administrator;
- 33 (e) One superintendent of city schools;
- 34 (f) One county superintendent or a superintendent employed by an education service district  
 35 board;
- 36 (g) One member from the faculty of an approved [*private teacher education institution*] **educator**  
 37 **preparation provider** in Oregon;
- 38 (h) One member from the faculty of a public university listed in ORS 352.002;
- 39 (i) One member who is also a member of a district school board; and
- 40 (j) Two members of the general public.

41 (2) Except for those members appointed under subsection (1)(i) and (j) of this section, members  
 42 must have been actively engaged in teaching, supervising or administering in the public schools or  
 43 in approved [*teacher education institutions*] **educator preparation providers** in Oregon for the pe-  
 44 riod of five years immediately preceding appointment. Acting as an elected representative of teach-  
 45 ers, supervisors or administrators shall be considered teaching, supervising or administering for the

1 purposes of the five-year experience requirement. In addition, members appointed under subsection  
 2 (1)(a) to (f) of this section must hold valid Oregon teaching or administrative licenses other than  
 3 restricted teaching or administrative licenses.

4 (3)(a) Throughout the term for which appointed, one of the members appointed under subsection  
 5 (1)(a) to (j) of this section must hold a teaching license with an endorsement in some aspect of spe-  
 6 cial education or have demonstrated knowledge or experience in special education.

7 (b) As used in this subsection, “special education” means specially designed education to meet  
 8 the goals of the individualized education program of a child with a disability including regular  
 9 classroom instruction, instruction in physical education, home instruction, related services and in-  
 10 struction in hospitals, institutions and special schools.

11 **SECTION 23.** ORS 342.390 is amended to read:

12 342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six  
 13 months at a place, day and hour determined by the commission. The commission shall also meet at  
 14 such other times and places as are specified by the call of the chairperson or of a majority of the  
 15 members of the commission.

16 (2) A member of the commission who is employed at a public school or by a private [*teacher*  
 17 *education institution*] **educator preparation provider** or by a public university listed in ORS 352.002  
 18 shall receive no compensation for services as a member; but subject to any other applicable law  
 19 regulating travel and other expenses for state officers, the member shall receive actual and neces-  
 20 sary travel and other expenses incurred in the performance of official duties as provided by ORS  
 21 292.495 (2).

22 (3) A member of the commission who serves on the commission in the capacity of a district  
 23 school board member or as a member of the general public shall be entitled to compensation and  
 24 expenses as provided in ORS 292.495 (1) and (2).

25 **SECTION 24.** ORS 342.433 is amended to read:

26 342.433. As used in ORS 342.433 to 342.449 and 351.077:

27 (1) **“Educator” includes a person who is a teacher, faculty member or administrator in**  
 28 **any grade from prekindergarten to post-secondary.**

29 (2) **“Underrepresented” means:**

30 [(1) *“Minority” means a person who is:*]

31 (a) A person having origins in any of the black racial groups of Africa but who is not Hispanic;

32 (b) A person of Hispanic culture or origin;

33 (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the  
 34 Indian subcontinent or the Pacific Islands;

35 (d) An American Indian or Alaskan Native having origins in any of the original peoples of North  
 36 America; or

37 (e) A person whose first language is not English.

38 [(2) *“Teacher” includes a teacher or an administrator.*]

39 **SECTION 25.** ORS 342.437 is amended to read:

40 342.437. **To support and encourage underrepresented students in school districts, public**  
 41 **charter schools, education service districts, community colleges and public universities listed**  
 42 **in ORS 352.002, this state recognizes the importance of having the percentage of underrep-**  
 43 **resented educators meet or exceed the percentage of underrepresented students.** As a result  
 44 of this state’s commitment to ethnic-racial equality, the goal of this state is that, by July 1, [2015]  
 45 2017, the following shall be increased by 10 percent as compared to July 1, 2012:



1 (1) The number of [*minority teachers and administrators*] **underrepresented educators** employed  
 2 by school districts [*and*], **public charter schools**, education service districts, **community colleges**  
 3 **and public universities listed in ORS 352.002**; and

4 (2) The number of [*minority students*] **underrepresented candidates** enrolled in public [*teacher*  
 5 *education*] **educator preparation** programs.

6 **SECTION 26.** Section 3, chapter 778, Oregon Laws 2013, is amended to read:

7 **Sec. 3.** ORS 342.437 is repealed June 30, [2016] **2018**.

8 **SECTION 27.** ORS 342.443 is amended to read:

9 342.443. (1) The Oregon Education Investment Board shall report biennially to the Legislative  
 10 Assembly longitudinal data on the number and percentage of:

11 (a) [*Minority*] **Underrepresented** students enrolled in community colleges;

12 (b) [*Minority*] **Underrepresented** students applying for admission to public universities listed in  
 13 ORS 352.002;

14 (c) [*Minority*] **Underrepresented** students accepted in public universities;

15 (d) [*Minority*] **Underrepresented** students graduated from public universities;

16 (e) [*Minority*] **Underrepresented** candidates seeking to enter public [*teacher education*] **educa-**  
 17 **tor preparation** programs in this state;

18 (f) [*Minority*] **Underrepresented** candidates admitted to public [*teacher education*] **educator**  
 19 **preparation** programs;

20 (g) [*Minority*] **Underrepresented** candidates who have completed [*approved public teacher edu-*  
 21 *cation*] **public educator preparation** programs;

22 (h) [*Minority*] **Underrepresented** candidates receiving Oregon teaching licenses based on prep-  
 23 aration in this state and preparation in other states;

24 (i) [*Minority teachers*] **Underrepresented educators** who are newly employed in the public  
 25 schools in this state; and

26 (j) [*Minority teachers*] **Underrepresented educators** already employed in the public schools.

27 (2) The board also shall report [*comparisons of minorities' and nonminorities'*] **public educator**  
 28 **preparation programs candidates'** scores on basic skills, pedagogy and subject matter tests **dis-**  
 29 **aggregated by race, ethnicity and first language**.

30 (3) The Oregon University System, **the Higher Education Coordinating Commission**, the  
 31 public universities with governing boards listed in ORS 352.054, the Department of Education, the  
 32 Teacher Standards and Practices Commission, community colleges and school districts shall coop-  
 33 erate with the **Oregon Education Investment Board** in collecting data and preparing the report.

34 **SECTION 28.** ORS 342.443, as amended by section 5, chapter 778, Oregon Laws 2013, is  
 35 amended to read:

36 342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legisla-  
 37 tive Assembly longitudinal data on the number and percentage of:

38 (a) [*Minority*] **Underrepresented** students enrolled in community colleges;

39 (b) [*Minority*] **Underrepresented** students applying for admission to public universities listed in  
 40 ORS 352.002;

41 (c) [*Minority*] **Underrepresented** students accepted in public universities;

42 (d) [*Minority*] **Underrepresented** students graduated from public universities;

43 (e) [*Minority*] **Underrepresented** candidates seeking to enter public [*teacher education*] **educa-**  
 44 **tor preparation** programs in this state;

45 (f) [*Minority*] **Underrepresented** candidates admitted to public [*teacher education*] **educator**

1 **preparation** programs;

2 (g) [*Minority*] **Underrepresented** candidates who have completed [*approved public teacher edu-*  
3 *cation*] **public educator preparation** programs;

4 (h) [*Minority*] **Underrepresented** candidates receiving Oregon teaching licenses based on prep-  
5 aration in this state and preparation in other states;

6 (i) [*Minority teachers*] **Underrepresented educators** who are newly employed in the public  
7 schools in this state; and

8 (j) [*Minority teachers*] **Underrepresented educators** already employed in the public schools.

9 (2) The advisor also shall report comparisons of [*minorities' and nonminorities'*] **public educator**  
10 **preparation programs candidates'** scores on basic skills, pedagogy and subject matter tests **dis-**  
11 **aggregated by race, ethnicity and first language.**

12 (3) The Oregon University System, **the Higher Education Coordinating Commission**, the  
13 public universities with governing boards listed in ORS 352.054, the Department of Education, the  
14 Teacher Standards and Practices Commission, community colleges and school districts shall coop-  
15 erate with the advisor in collecting data and preparing the report.

16 **SECTION 29.** ORS 342.447 is amended to read:

17 342.447. (1) The [*State Board of Higher Education*] **Oregon Education Investment Board, in**  
18 **consultation with the Higher Education Coordinating Commission**, shall require each public  
19 [*teacher education*] **educator preparation** program in this state to prepare a plan with specific goals,  
20 strategies and deadlines for the recruitment, admission, retention and graduation of [*minority teach-*  
21 *ers*] **underrepresented educators.**

22 (2) The [*state*] board shall review the plans for the adequacy and feasibility of the plans and,  
23 after making necessary revisions, shall adopt the plans.

24 (3) The [*state*] board shall adopt rules governing:

25 (a) The contents of the plans;

26 (b) The [*state*] board's initial and biennial review process, including timetables for revising plans;  
27 and

28 (c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and  
29 351.077.

30 **SECTION 30.** ORS 342.447, as amended by section 29 of this 2015 Act, is amended to read:

31 342.447. (1) The [*Oregon Education Investment Board, in consultation with the*] Higher Education  
32 Coordinating Commission[,] shall require each public educator preparation program in this state to  
33 prepare a plan with specific goals, strategies and deadlines for the recruitment, admission, retention  
34 and graduation of underrepresented educators.

35 (2) The [*board*] **commission** shall review the plans for the adequacy and feasibility of the plans  
36 and, after making necessary revisions, shall adopt the plans.

37 (3) The [*board*] **commission** shall adopt rules governing:

38 (a) The contents of the plans;

39 (b) The [*board's*] **commission's** initial and biennial review process, including timetables for re-  
40 vising plans; and

41 (c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and  
42 351.077.

43 **SECTION 31.** Section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37,  
44 Oregon Laws 2012, section 5, chapter 286, Oregon Laws 2013, section 89, chapter 624, Oregon Laws  
45 2013, section 9, chapter 660, Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section

1 5, chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013, and section 6,  
 2 chapter 778, Oregon Laws 2013, is amended to read:

3 **Sec. 10.** (1) Sections 1, 2, 3, 5 and 7, chapter 519, Oregon Laws 2011, are repealed on March 15,  
 4 2016.

5 (2) The amendments to [section 2 of this 2013 Act] **ORS 342.208** by section 4, **chapter 286,**  
 6 **Oregon Laws 2013,** [of this 2013 Act] become operative on March 15, 2016.

7 (3) The amendments to ORS 326.021 by section 88, **chapter 624, Oregon Laws 2013,** [of this 2013  
 8 Act] become operative on March 15, 2016.

9 (4) The amendments to [sections 1, 2, 3 and 4 of this 2013 Act] **ORS 327.800, 327.810, 327.815**  
 10 **and 327.820** by sections 5, 6, 7 and 8, **chapter 660, Oregon Laws 2013,** [of this 2013 Act] become  
 11 operative on March 15, 2016.

12 (5) The amendments to [section 1 of this 2013 Act] **ORS 342.950** by section 2, **chapter 661,**  
 13 **Oregon Laws 2013,** [of this 2013 Act] become operative on March 15, 2016.

14 (6) The amendments to [section 1 of this 2013 Act] **ORS 326.500** by section 4, **chapter 739,**  
 15 **Oregon Laws 2013,** [of this 2013 Act] become operative on March 15, 2016.

16 (7) The amendments to [section 7 of this 2013 Act] **ORS 327.380** by section 8, **chapter 739,**  
 17 **Oregon Laws 2013,** [of this 2013 Act] become operative on March 15, 2016.

18 (8) The amendments to ORS 342.443 by section 5, **chapter 778, Oregon Laws 2013,** [of this 2013  
 19 Act] become operative on March 15, 2016.

20 (9) The amendments to [section 1 of this 2013 Act] **ORS 326.500** by section 6, **chapter 739,**  
 21 **Oregon Laws 2013,** [of this 2013 Act] become operative on July 1, 2025.

22 **(10) The amendments to ORS 342.447 by section 28 of this 2015 Act become operative on**  
 23 **March 15, 2016.**

24 **SECTION 32.** ORS 342.449 is amended to read:

25 342.449. ORS 342.433 to 342.449 and 351.077 shall be known and may be cited as the [Minority  
 26 Teacher Act of 1991] **Educators Equity Act.**

27 **SECTION 33.** ORS 351.077 is amended to read:

28 351.077. (1) The Higher Education Coordinating Commission shall ensure the implementation of  
 29 the plans developed by the State Board of Higher Education under ORS 342.447 for recruitment of  
 30 [minority teachers] **underrepresented educators.**

31 (2) The commission shall report biennially to the Legislative Assembly on the implementation  
 32 and results of the plans. The report may include recommendations on ways in which the Legislative  
 33 Assembly can assist in increasing the number of [minority teachers] **underrepresented educators.**

34 **SECTION 34.** ORS 342.950 is amended to read:

35 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
 36 of the Oregon Education Investment Board, the Department of Education and public and private  
 37 entities that receive funding as provided by this section to accomplish the purposes of the network  
 38 described in subsection (2) of this section.

39 (2) The purposes of the network are the following:

40 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
 41 fession of teaching among providers of early learning services, teachers and administrators in  
 42 kindergarten through grade 12, education service districts and [teacher education institutions] **edu-**  
 43 **cator preparation providers.**

44 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
 45 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,

1 329.838, 342.433 to 342.449 and 342.805 to 342.937.

2 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
3 port of educators.

4 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
5 Department of Education, subject to the direction and control of the Chief Education Officer, shall  
6 distribute funding as follows:

7 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and Consor-  
8 tiums that are any combination of those entities for the purpose of supporting the implementation  
9 of common core state standards.

10 (b) To school districts and nonprofit organizations for the purposes of complying with the core  
11 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
12 scribed by federal law.

13 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
14 opportunities for professional collaboration and professional development and for the pursuit of ca-  
15 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
16 described in ORS 329.838.

17 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
18 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
19 and administrator mentorship program described in ORS 329.788 to 329.820.

20 (e) To school districts for the purposes of obtaining assessments and developing professional  
21 development plans to meet school improvement objectives and educator needs.

22 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
23 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
24 ment, implementing data-driven decision making, supporting practice communities and implementing  
25 culturally competent practices.

26 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
27 in proficiency-based or student-centered learning practices and assessments.

28 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes  
29 of strengthening educator preparation programs and supporting the development and sustainability  
30 of partnerships between providers of early learning services, public schools with any grades from  
31 kindergarten through grade 12 and post-secondary institutions.

32 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-  
33 tutions for the purposes of providing professional development and supporting providers of early  
34 learning services with opportunities for professional collaboration and advancement.

35 (4) The Oregon Education Investment Board shall support the network by:

36 (a) Conducting and coordinating research to determine best practices and evidence-based mod-  
37 els.

38 (b) Working with educator preparation programs to ensure ongoing collaboration with education  
39 providers.

40 (c) Supporting programs that help to achieve the goal of the [*Minority Teacher Act of 1991*]  
41 **Educators Equity Act** as described in ORS 342.437.

42 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-  
43 ability and culturally diverse candidates to work in high-need communities and fields.

44 (5) The Department of Education shall support the network by:

45 (a) Developing a system that ensures statewide dissemination of best practices and evidence-

1 based models.

2 (b) Supporting the development and implementation of standards-based curriculum, high-leverage  
3 practices and assessments that promote student learning and improve outcomes for students learning  
4 English as a second language and for students with disabilities.

5 (c) Administering the distribution of funding as described in subsection (3) of this section.

6 (6) The Oregon Education Investment Board shall develop processes to establish the network  
7 and ensure the accountability of the network. The processes must ensure that the network:

8 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

9 (b) Delivers services for the benefit of all regions of this state.

10 (c) Is accountable for improving education outcomes identified by the Oregon Education Invest-  
11 ment Board, contained in achievement compacts or set forth in ORS 351.009.

12 (d) Includes and connects education providers and leaders from pre-kindergarten through post-  
13 secondary education.

14 (7) No more than two percent of all moneys received for the purposes of this section may be  
15 expended by the Oregon Education Investment Board or the Department of Education for adminis-  
16 trative costs incurred under this section. For the purpose of this subsection, technical assistance  
17 and direct program services provided to school districts and nonprofit organizations are not con-  
18 sidered administrative costs.

19 (8) The State Board of Education may adopt any rules necessary for the Department of Educa-  
20 tion to support the network and perform any duties assigned to the department under this section  
21 or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the  
22 State Board of Education must be consistent with this section and with actions taken by the Oregon  
23 Education Investment Board to implement this section.

24 **SECTION 35.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is  
25 amended to read:

26 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists  
27 of the Department of Education and public and private entities that receive funding as provided by  
28 this section to accomplish the purposes of the network described in subsection (2) of this section.

29 (2) The purposes of the network are the following:

30 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-  
31 fession of teaching among providers of early learning services, teachers and administrators in  
32 kindergarten through grade 12, education service districts and [*teacher education institutions*] **edu-  
33 cator preparation providers**.

34 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-  
35 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,  
36 329.838, 342.433 to 342.449 and 342.805 to 342.937.

37 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-  
38 port of educators.

39 (3) To accomplish the purposes of the network described in subsection (2) of this section, the  
40 Department of Education, subject to the direction and control of the Superintendent of Public In-  
41 struction, shall distribute funding as follows:

42 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-  
43 tiums that are any combination of those entities for the purpose of supporting the implementation  
44 of common core state standards.

45 (b) To school districts and nonprofit organizations for the purposes of complying with the core

1 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-  
2 scribed by federal law.

3 (c) To school districts and nonprofit organizations for the purpose of providing teachers with  
4 opportunities for professional collaboration and professional development and for the pursuit of ca-  
5 reer pathways in a manner that is consistent with the School District Collaboration Grant Program  
6 described in ORS 329.838.

7 (d) To school districts and nonprofit organizations for the purpose of providing beginning  
8 teachers and administrators with mentors in a manner that is consistent with the beginning teacher  
9 and administrator mentorship program described in ORS 329.788 to 329.820.

10 (e) To school districts for the purposes of obtaining assessments and developing professional  
11 development plans to meet school improvement objectives and educator needs.

12 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose  
13 of closing achievement gaps by providing and improving the effectiveness of professional develop-  
14 ment, implementing data-driven decision making, supporting practice communities and implementing  
15 culturally competent practices.

16 (g) To school districts and nonprofit organizations for the purposes of developing and engaging  
17 in proficiency-based or student-centered learning practices and assessments.

18 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes  
19 of strengthening educator preparation programs and supporting the development and sustainability  
20 of partnerships between providers of early learning services, public schools with any grades from  
21 kindergarten through grade 12 and post-secondary institutions.

22 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-  
23 tutions for the purposes of providing professional development and supporting providers of early  
24 learning services with opportunities for professional collaboration and advancement.

25 (4) The Department of Education shall support the network by:

26 (a) Conducting and coordinating research to determine best practices and evidence-based mod-  
27 els.

28 (b) Working with educator preparation programs to ensure ongoing collaboration with education  
29 providers.

30 (c) Supporting programs that help to achieve the goal of the [*Minority Teacher Act of 1991*]  
31 **Educators Equity Act** as described in ORS 342.437.

32 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-  
33 ability and culturally diverse candidates to work in high-need communities and fields.

34 (e) Developing a system that ensures statewide dissemination of best practices and evidence-  
35 based models.

36 (f) Supporting the development and implementation of standards-based curriculum, high-leverage  
37 practices and assessments that promote student learning and improve outcomes for students learning  
38 English as a second language and for students with disabilities.

39 (g) Administering the distribution of funding as described in subsection (3) of this section.

40 (5) The State Board of Education shall develop processes to establish the network and ensure  
41 the accountability of the network. The processes must ensure that the network:

42 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

43 (b) Delivers services for the benefit of all regions of this state.

44 (c) Is accountable for improving education outcomes identified by the State Board of Education,  
45 contained in achievement compacts or set forth in ORS 351.009.

1 (d) Includes and connects education providers and leaders from pre-kindergarten through post-  
2 secondary education.

3 (6) No more than two percent of all moneys received for the purposes of this section may be  
4 expended by the Department of Education for administrative costs incurred under this section. For  
5 the purpose of this subsection, technical assistance and direct program services provided to school  
6 districts and nonprofit organizations are not considered administrative costs.

7 (7) The State Board of Education may adopt any rules necessary for the Department of Educa-  
8 tion to support the network and perform any duties assigned to the department under this section.  
9 Any rules adopted by the State Board of Education must be consistent with this section.

10 **SECTION 36.** ORS 342.971 is amended to read:

11 342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct  
12 from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund  
13 shall be credited to the fund.

14 (2) The Teacher Standards and Practices Commission may accept from any source any grant,  
15 donation or gift of money or other valuable thing made to the commission for purposes of the Edu-  
16 cator Preparation Improvement Fund.

17 (3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropri-  
18 ated to the commission for the purposes set forth in subsection (4) of this section. The commission  
19 may draw checks or orders upon the State Treasurer in making disbursements from the Educator  
20 Preparation Improvement Fund for the purposes set forth in subsection (4) of this section.

21 (4) The purpose of the Educator Preparation Improvement Fund is to encourage approved  
22 [*teacher education*] **educator preparation** programs and school district partnerships that:

23 (a) Respond to changes in education of students in preprimary programs and grades 1 through  
24 12;

25 (b) Encourage collaboration around delivery models that provide effective professional prepara-  
26 tion;

27 (c) Recognize the needs of the education workforce in this state, including but not limited to  
28 recruiting underrepresented persons, teachers and administrators to work in high needs areas such  
29 as special education, mathematics, science and teaching English to speakers of other languages;

30 (d) Encourage collaborative initiatives that improve student success and postsecondary access  
31 and achievement; and

32 (e) Respond to the need for national accreditation of approved [*teacher education*] **educator**  
33 **preparation** programs in this state.

34 **SECTION 37.** ORS 327.008, as amended by section 6, chapter 81, Oregon Laws 2014, is amended  
35 to read:

36 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist  
37 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
38 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
39 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
40 336.575, 336.580, 336.635, [342.173,] 343.243, 343.533 and 343.961 and sections 1 to 3, chapter 735,  
41 Oregon Laws 2013, and section 2, chapter 81, Oregon Laws 2014.

42 (2) There shall be apportioned from the State School Fund to each school district a State School  
43 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant  
44 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
45 vided in ORS 327.011 and 327.013.

1 (3) There shall be apportioned from the State School Fund to each education service district a  
2 State School Fund grant as calculated under ORS 327.019.

3 (4) All figures used in the determination of the distribution of the State School Fund shall be  
4 estimates for the same year as the distribution occurs, unless otherwise specified.

5 (5) Numbers of students in average daily membership used in the distribution formula shall be  
6 the numbers as of June of the year of distribution.

7 (6) A school district may not use the portion of the State School Fund grant that is attributable  
8 to the facility grant for capital construction costs.

9 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
10 ceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
11 limitation, the Department of Education shall prorate the amount of funds available for facility  
12 grants among those school districts that qualified for a facility grant.

13 (8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-  
14 ity Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay  
15 the costs of educational services provided to students admitted to pediatric nursing facilities as  
16 provided in section 2, chapter 81, Oregon Laws 2014.

17 (9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from  
18 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

19 (10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State  
20 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

21 (b) For the purpose of making the transfer under this subsection:

22 (A) The total amount available for all distributions from the State School Fund shall be reduced  
23 by \$5 million;

24 (B) The amount distributed to school districts from the State School Fund under this section and  
25 ORS 327.013 shall be reduced by \$14 million; and

26 (C) The amount distributed to education service districts from the State School Fund under this  
27 section and ORS 327.019 shall be reduced by \$14 million.

28 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall  
29 be adjusted by the same percentage by which the amount appropriated to the State School Fund for  
30 that biennium is increased or decreased compared to the preceding biennium, as determined by the  
31 Department of Education after consultation with the Legislative Fiscal Officer.

32 (11) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
33 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
34 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the  
35 amount expended by the department under this subsection.

36 (12) Each biennium, the Department of Education may expend up to \$350,000 from the State  
37 School Fund to provide administration of and support for the development of talented and gifted  
38 education under ORS 343.404.

39 (13) Each biennium, the Department of Education may expend up to \$150,000 from the State  
40 School Fund for the administration of a program to increase the number of speech-language  
41 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

42 (14) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from  
43 the State School Fund to the Small School District Supplement Fund established in section 3, chap-  
44 ter 735, Oregon Laws 2013.

45 **SECTION 38.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, and sec-



1 tion 7, chapter 81, Oregon Laws 2014, is amended to read:

2 327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist  
3 of moneys appropriated by the Legislative Assembly and moneys transferred from the Education  
4 Stability Fund. The State School Fund is continuously appropriated to the Department of Education  
5 for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348,  
6 336.575, 336.580, 336.635, [342.173,] 343.243, 343.533 and 343.961 and section 2, chapter 81, Oregon  
7 Laws 2014.

8 (2) There shall be apportioned from the State School Fund to each school district a State School  
9 Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant  
10 and a transportation grant and a high cost disabilities grant minus local revenue, computed as pro-  
11 vided in ORS 327.011 and 327.013.

12 (3) There shall be apportioned from the State School Fund to each education service district a  
13 State School Fund grant as calculated under ORS 327.019.

14 (4) All figures used in the determination of the distribution of the State School Fund shall be  
15 estimates for the same year as the distribution occurs, unless otherwise specified.

16 (5) Numbers of students in average daily membership used in the distribution formula shall be  
17 the numbers as of June of the year of distribution.

18 (6) A school district may not use the portion of the State School Fund grant that is attributable  
19 to the facility grant for capital construction costs.

20 (7) The total amount of the State School Fund that is distributed as facility grants may not ex-  
21 ceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this  
22 limitation, the Department of Education shall prorate the amount of funds available for facility  
23 grants among those school districts that qualified for a facility grant.

24 (8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facil-  
25 ity Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay  
26 the costs of educational services provided to students admitted to pediatric nursing facilities as  
27 provided in section 2, chapter 81, Oregon Laws 2014.

28 (9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from  
29 the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

30 (10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State  
31 School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

32 (b) For the purpose of making the transfer under this subsection:

33 (A) The total amount available for all distributions from the State School Fund shall be reduced  
34 by \$5 million;

35 (B) The amount distributed to school districts from the State School Fund under this section and  
36 ORS 327.013 shall be reduced by \$14 million; and

37 (C) The amount distributed to education service districts from the State School Fund under this  
38 section and ORS 327.019 shall be reduced by \$14 million.

39 (c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall  
40 be adjusted by the same percentage by which the amount appropriated to the State School Fund for  
41 that biennium is increased or decreased compared to the preceding biennium, as determined by the  
42 Department of Education after consultation with the Legislative Fiscal Officer.

43 (11) Each fiscal year, the Department of Education may expend up to \$550,000 from the State  
44 School Fund for the contract described in ORS 329.488. The amount distributed to education service  
45 districts from the State School Fund under this section and ORS 327.019 shall be reduced by the

1 amount expended by the department under this subsection.

2 (12) Each biennium, the Department of Education may expend up to \$350,000 from the State  
 3 School Fund to provide administration of and support for the development of talented and gifted  
 4 education under ORS 343.404.

5 (13) Each biennium, the Department of Education may expend up to \$150,000 from the State  
 6 School Fund for the administration of a program to increase the number of speech-language  
 7 pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

8 **SECTION 39.** ORS 327.495 is amended to read:

9 327.495. All moneys received by the State Board of Education for distribution to school districts  
 10 in this state for the purpose of carrying out experimental and demonstration programs to improve  
 11 [*teaching and teacher education*] **education and educator preparation** in this state are [*hereby*]  
 12 continuously appropriated for such purpose.

13 **SECTION 40.** ORS 329.840 is amended to read:

14 329.840. (1) There is created the Oregon Virtual School District within the Department of Edu-  
 15 cation. The purpose of the Oregon Virtual School District is to provide online courses to  
 16 kindergarten through grade 12 public school students.

17 (2) The Oregon Virtual School District shall provide online courses that meet academic content  
 18 standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Educa-  
 19 tion. Any person who teaches an online course must be properly licensed **as required by ORS**  
 20 **342.173 for a person employed by a school district or education service district** or **properly**  
 21 registered as required by ORS 338.135 [*and 342.173*] for a person employed by a [*school district or*]  
 22 public charter school. All school districts and public charter schools may allow students to access  
 23 the online courses offered by the Oregon Virtual School District.

24 (3) The Superintendent of Public Instruction may contract with education service districts,  
 25 school districts, public charter schools, community colleges, public universities listed in ORS 352.002  
 26 or any other public entity to provide online courses through the Oregon Virtual School District.

27 (4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual  
 28 School District except as provided under this section or by rule of the State Board of Education.  
 29 The Oregon Virtual School District is not considered a school district for purposes of apportionment  
 30 of the State School Fund and the department may not receive a direct apportionment under ORS  
 31 327.008 from the State School Fund for the Oregon Virtual School District.

32 (5) The board may adopt the rules necessary for the administration of the Oregon Virtual School  
 33 District and shall adopt rules to establish:

34 (a) The procedure and criteria to be used for the selection of online courses to be offered  
 35 through the Oregon Virtual School District;

36 (b) The qualifications of students who may access online courses through the Oregon Virtual  
 37 School District;

38 (c) The number of credits for which students may access online courses through the Oregon  
 39 Virtual School District; and

40 (d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School  
 41 District.

42 **SECTION 41.** ORS 332.075, as amended by section 1, chapter 43, Oregon Laws 2014, is amended  
 43 to read:

44 332.075. (1) Any district school board may:

45 (a) Fix the days of the year and the hours of the day when schools shall be in session.

1 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141  
 2 and courses of study for the use of such schools as provided in ORS 336.035.

3 (c) Authorize the use of the schools for purposes of training students of an *[approved teacher*  
 4 *education institution]* **approved educator preparation provider**, as defined in ORS 342.120, and for  
 5 such purposes may enter into contracts with the *[approved teacher education institutions]* **approved**  
 6 **educator preparation providers** on such terms as may be agreed upon. Such contracts as they  
 7 relate to student teachers shall have the same effect and be subject to the same regulations as a  
 8 contract between a licensed teacher and a district school board.

9 (d) Develop and operate with other school districts or community college districts secondary  
 10 career and technical education programs for pupils of more than one district and fix by agreement  
 11 the duration of the district's obligation to continue such activity, subject to the availability of funds  
 12 therefor.

13 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-  
 14 ganization that administers interscholastic activities or that facilitates the scheduling and pro-  
 15 gramming of interscholastic activities.

16 (f) Accept money or property donated for the use or benefit of the school district and, consistent  
 17 with the laws of this state, use such money or property for the purpose for which it was donated.

18 (g) Enter into an approved written agreement with the governing body of a federally recognized  
 19 Native American tribe in Oregon to allow the use of a mascot that represents, is associated with  
 20 or is significant to the Native American tribe entering into the agreement. An agreement entered  
 21 into under this paragraph must:

22 (A) Describe the acceptable uses of the mascot;

23 (B) Comply with rules adopted by the State Board of Education that:

24 (i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to  
 25 ORS 182.164 (3); and

26 (ii) Prescribe the requirements for approval; and

27 (C) Be approved by the State Board of Education, which the board must provide if the agreement  
 28 meets the requirements of this paragraph and the rules adopted under this paragraph.

29 (2) All contracts of the school district must be approved by the district school board before an  
 30 order can be drawn for payment. If a contract is made without the authority of the district school  
 31 board, the individual making such contract shall be personally liable.

32 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or  
 33 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-  
 34 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are  
 35 within appropriations made by the district school board pursuant to ORS 294.456. A district school  
 36 board may not authorize its superintendent or the superintendent's designee under this subsection  
 37 to enter into and approve payment on contracts that are collective bargaining agreements or service  
 38 contracts that include the provision of labor performed by employees of the school district.

39 **SECTION 42.** ORS 332.155 is amended to read:

40 332.155. A district school board:

41 (1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools,  
 42 junior high schools, career and technical education schools, gymnasiums, houses for teachers and  
 43 other employees, and like buildings; and locate, buy and lease lands for all school purposes. Leases  
 44 authorized by this section include lease-purchase agreements whereunder the district may acquire  
 45 ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may

1 be for a term of up to 30 years.

2 (2) May contract for the removal or containment of asbestos substances in school buildings and  
 3 for repairs made necessary by such removal or containment. Contracts authorized by this section  
 4 may be for a term exceeding one year.

5 (3) May construct or cooperate in the construction of [*schools for training of student teachers*]  
 6 **facilities for educator preparation providers** on state or district owned lands, for any public  
 7 university listed in ORS 352.002 that is in or contiguous to the district, and to expend district funds  
 8 in so doing.

9 (4) May acquire personal property by a lease-purchase agreement or contract of purchase for a  
 10 term exceeding one year. A lease-purchase agreement is one in which the rent payable by the dis-  
 11 trict is expressly agreed to have been established to reflect the savings resulting from the exemption  
 12 from taxation, and the district is entitled to ownership of the property at a nominal or other price  
 13 that is stated or determinable by the terms of the agreement and was not intended to reflect the true  
 14 value of the property.

15 (5) May lease, sell and convey all property of the district as may not in the judgment of the  
 16 district school board be required for school purposes.

17 (6) May sell property of the district in transactions whereby the district has the right to lease,  
 18 occupy or reacquire the property following the sale or have facilities constructed thereon or fur-  
 19 nished to the specifications of the district. The construction or furnishing of such facilities shall be  
 20 subject to:

- 21 (a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;
- 22 (b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280; and
- 23 (c) ORS chapter 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

24 (7) Shall furnish the schools with supplies, equipment, apparatus and services essential to  
 25 meeting the requirements of a standard school and may furnish such other supplies, equipment, ap-  
 26 paratus and services as the board considers advisable.

27 (8) May construct, purchase or lease in cooperation with other school districts or community  
 28 college districts facilities for secondary career and technical education programs for pupils of more  
 29 than one district and may furnish or cooperate in furnishing supplies and equipment for such facil-  
 30 ities, to be financed in the same manner as other school buildings and supplies are financed.

31 (9) May purchase real property upon a contractual basis when the period of time allowed for  
 32 payment under the contract does not exceed 30 years.

33 (10) May purchase relocatable classrooms and other relocatable structures in installment  
 34 transactions in which deferred installments of the purchase price are payable over not more than  
 35 10 years from the date such property is delivered to the district for occupancy and are secured by  
 36 a security interest in such property. Such transactions may take the form of, but are not limited to,  
 37 lease-purchase agreements.

38 (11) May enter into rental or lease-purchase agreements covering motor vehicles operated by the  
 39 district.

40 **SECTION 43.** ORS 332.505 is amended to read:

41 332.505. (1) **As used in this section:**

42 (a) **“Instructional assistant”** has the meaning given that term in ORS 342.120.

43 (b) **“Intern teacher”** means a regularly enrolled candidate of an approved educator prep-  
 44 aration provider, as defined in ORS 342.120, who teaches under the supervision of the staff  
 45 of the provider and of the employing district in order to acquire practical experience in

1 **teaching and for which the candidate receives both academic credit from the provider and**  
 2 **financial compensation from the school district or education service district.**

3 [(1)] (2) A district school board may:

4 (a) Employ a superintendent of schools and necessary assistant superintendents for the district  
 5 and fix the terms and conditions of employment and the compensation. The district school board  
 6 shall not contract with a superintendent for more than a period of three years at a time. The con-  
 7 tract shall automatically expire at the end of its term. However, the district school board may elect  
 8 to issue a subsequent contract for an additional three years at any time.

9 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties  
 10 and powers of the board and fix the duties, terms and conditions of employment and the compen-  
 11 sation.

12 (c) Compensate district employees in any form which may include, but shall not be limited to,  
 13 insurance, tuition reimbursement and salaries.

14 (d) Employ [educational] **instructional** assistants and intern teachers subject to the rules of the  
 15 State Board of Education.

16 [(2)] (3) The district school board shall maintain written personnel policies and make the policies  
 17 available for inspection by any school employee or member of the public.

18 [(3)] (4) The superintendent of the school district shall cause each employee to be specifically  
 19 informed of the existence and availability of the personnel policies.

20 **SECTION 44.** ORS 334.225 is amended to read:

21 334.225. (1) The education service district board shall employ a superintendent who must hold  
 22 an administrative license as a superintendent [*and a certificate described in ORS 342.121 (2)(b)*]. The  
 23 superintendent shall serve as the board's executive officer, give an official bond or an irrevocable  
 24 letter of credit issued by an insured institution, as defined in ORS 706.008, and have the duties  
 25 prescribed by the board and the laws of this state. The board shall fix the term and compensation  
 26 of the superintendent, provide office room for the superintendent and allow all of the  
 27 superintendent's necessary traveling expenses.

28 (2) The education service district board shall designate the superintendent as the district clerk.  
 29 The board may appoint qualified persons as deputies to the superintendent to perform the duties  
 30 required of the district clerk by law or by the board.

31 **SECTION 45.** ORS 336.631 is amended to read:

32 336.631. (1) Prior to contracting with or distributing any public funds to a private alternative  
 33 education program, a district school board shall:

34 (a) Annually approve the private alternative education program;

35 (b) Determine that the private alternative education program is registered with the Department  
 36 of Education; and

37 (c) Determine that the private alternative education program complies with the requirements  
 38 of subsection (2) of this section and ORS 336.625 (3)(c).

39 (2) The following laws apply to private alternative education programs that are registered with  
 40 the Department of Education under ORS 336.635 in the same manner as the laws apply to school  
 41 districts and public schools:

42 (a) Federal law;

43 (b) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and 342.232*] (criminal records checks);

44 (c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

45 (d) ORS 659.850, 659.855 and 659.860 (discrimination);

1 (e) ORS 339.122 (advertisement requirements);

2 (f) Health and safety statutes and rules; and

3 (g) Any statute, rule or school district policy that is specified in a contract between the school  
4 district board and the private alternative education program.

5 (3) Prior to placement of a student in a private alternative education program, the resident  
6 district shall determine whether the proposed placement best serves the student's educational needs  
7 and interests and assists the student in achieving the district and state academic standards.

8 (4) Contracts between a school district and a private alternative education program shall be  
9 included in the assessment of effectiveness provided for in ORS 329.085.

10 **SECTION 46.** ORS 336.631, as amended by section 6, chapter 839, Oregon Laws 2007, is  
11 amended to read:

12 336.631. (1) Prior to contracting with or distributing any public funds to a private alternative  
13 education program, a district school board shall:

14 (a) Annually approve the private alternative education program;

15 (b) Determine that the private alternative education program is registered with the Department  
16 of Education; and

17 (c) Determine that the private alternative education program complies with the requirements  
18 of subsection (2) of this section and ORS 336.625 (3)(c).

19 (2) The following laws apply to private alternative education programs that are registered with  
20 the Department of Education under ORS 336.635 in the same manner as the laws apply to school  
21 districts and public schools:

22 (a) Federal law;

23 (b) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and 342.232*] (criminal records checks);

24 (c) ORS 329.496 (physical education);

25 (d) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

26 (e) ORS 659.850, 659.855 and 659.860 (discrimination);

27 (f) ORS 339.122 (advertisement requirements);

28 (g) Health and safety statutes and rules; and

29 (h) Any statute, rule or school district policy that is specified in a contract between the school  
30 district board and the private alternative education program.

31 (3) Prior to placement of a student in a private alternative education program, the resident  
32 district shall determine whether the proposed placement best serves the student's educational needs  
33 and interests and assists the student in achieving the district and state academic standards.

34 (4) Contracts between a school district and a private alternative education program shall be  
35 included in the assessment of effectiveness provided for in ORS 329.085.

36 **SECTION 47.** ORS 338.115 is amended to read:

37 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other  
38 public schools do not apply to public charter schools. However, the following laws do apply to public  
39 charter schools:

40 (a) Federal law;

41 (b) ORS 30.260 to 30.300 (tort claims);

42 (c) ORS 192.410 to 192.505 (public records law);

43 (d) ORS 192.610 to 192.690 (public meetings law);

44 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

45 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

- 1 (g) ORS 326.565, 326.575 and 326.580 (student records);  
 2 (h) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and* 342.232] (criminal records checks);  
 3 (i) ORS 329.045 (academic content standards and instruction);  
 4 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-  
 5 tificate);  
 6 (k) The statewide assessment system developed by the Department of Education for mathematics,  
 7 science and English under ORS 329.485 (2);  
 8 (L) ORS 337.150 (textbooks);  
 9 (m) ORS 339.119 (consideration for educational services);  
 10 (n) ORS 339.141, 339.147 and 339.155 (tuition and fees);  
 11 (o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);  
 12 (p) ORS 339.326 (notice concerning students subject to juvenile court petitions);  
 13 (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training  
 14 on prevention and identification of abuse and sexual conduct);  
 15 (r) ORS chapter 657 (Employment Department Law);  
 16 (s) ORS 659.850, 659.855 and 659.860 (discrimination);  
 17 (t) Any statute or rule that establishes requirements for instructional time provided by a school  
 18 during each day or during a year;  
 19 (u) Statutes and rules that expressly apply to public charter schools;  
 20 (v) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a  
 21 public body, as defined in ORS 174.109;  
 22 (w) Health and safety statutes and rules;  
 23 (x) Any statute or rule that is listed in the charter;  
 24 (y) ORS 336.840 (use of personal electronic devices); and  
 25 (z) This chapter.
- 26 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules  
 27 that apply only to school district boards, school districts and other public schools may apply to a  
 28 public charter school.
- 29 (3) If a statute or rule applies to a public charter school, then the terms “school district” and  
 30 “public school” include public charter school as those terms are used in that statute or rule.
- 31 (4) A public charter school may not violate the Establishment Clause of the First Amendment  
 32 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion  
 33 based.
- 34 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 35 (b) For a public charter school that provides educational services under a cooperative agree-  
 36 ment described in ORS 338.080, the public charter school is in compliance with the requirements of  
 37 this subsection if the public charter school provides educational services under the cooperative  
 38 agreement to at least 25 students, without regard to the school districts in which the students are  
 39 residents.
- 40 (6) A public charter school may sue or be sued as a separate legal entity.
- 41 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities  
 42 and employees of a sponsor acting in their official capacities are immune from civil liability with  
 43 respect to all activities related to a public charter school within the scope of their duties or em-  
 44 ployment.
- 45 (8) A public charter school may enter into contracts and may lease facilities and services from

1 a school district, education service district, public university listed in ORS 352.002, other govern-  
 2 mental unit or any person or legal entity.

3 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-  
 4 ability.

5 (10) A public charter school may receive and accept gifts, grants and donations from any source  
 6 for expenditure to carry out the lawful functions of the school.

7 (11) The school district in which the public charter school is located shall offer a high school  
 8 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter  
 9 school student who meets the district's and state's standards for a high school diploma, a modified  
 10 diploma, an extended diploma or an alternative certificate.

11 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate  
 12 issued by a public charter school grants to the holder the same rights and privileges as a high  
 13 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a  
 14 nonchartered public school.

15 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the  
 16 sponsor as specified in the charter.

17 (14) A public charter school may receive services from an education service district in the same  
 18 manner as a nonchartered public school in the school district in which the public charter school is  
 19 located.

20 **SECTION 48.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, and sec-  
 21 tion 12, chapter 50, Oregon Laws 2008, is amended to read:

22 338.115. (1) Statutes and rules that apply only to school district boards, school districts or other  
 23 public schools do not apply to public charter schools. However, the following laws do apply to public  
 24 charter schools:

- 25 (a) Federal law;
- 26 (b) ORS 30.260 to 30.300 (tort claims);
- 27 (c) ORS 192.410 to 192.505 (public records law);
- 28 (d) ORS 192.610 to 192.690 (public meetings law);
- 29 (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- 30 (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- 31 (g) ORS 326.565, 326.575 and 326.580 (student records);
- 32 (h) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and 342.232*] (criminal records checks);
- 33 (i) ORS 329.045 (academic content standards and instruction);
- 34 (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative cer-  
 35 tificate);
- 36 (k) ORS 329.496 (physical education);
- 37 (L) The statewide assessment system developed by the Department of Education for mathemat-  
 38 ics, science and English under ORS 329.485 (2);
- 39 (m) ORS 337.150 (textbooks);
- 40 (n) ORS 339.119 (consideration for educational services);
- 41 (o) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- 42 (p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- 43 (q) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- 44 (r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training  
 45 on prevention and identification of abuse and sexual conduct);



- 1 (s) ORS chapter 657 (Employment Department Law);
- 2 (t) ORS 659.850, 659.855 and 659.860 (discrimination);
- 3 (u) Any statute or rule that establishes requirements for instructional time provided by a school
- 4 during each day or during a year;
- 5 (v) Statutes and rules that expressly apply to public charter schools;
- 6 (w) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or
- 7 a public body, as defined in ORS 174.109;
- 8 (x) Health and safety statutes and rules;
- 9 (y) Any statute or rule that is listed in the charter;
- 10 (z) ORS 336.840 (use of personal electronic devices); and
- 11 (aa) This chapter.
- 12 (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules
- 13 that apply only to school district boards, school districts and other public schools may apply to a
- 14 public charter school.
- 15 (3) If a statute or rule applies to a public charter school, then the terms “school district” and
- 16 “public school” include public charter school as those terms are used in that statute or rule.
- 17 (4) A public charter school may not violate the Establishment Clause of the First Amendment
- 18 to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion
- 19 based.
- 20 (5)(a) A public charter school shall maintain an active enrollment of at least 25 students.
- 21 (b) For a public charter school that provides educational services under a cooperative agree-
- 22 ment described in ORS 338.080, the public charter school is in compliance with the requirements of
- 23 this subsection if the public charter school provides educational services under the cooperative
- 24 agreement to at least 25 students, without regard to the school districts in which the students are
- 25 residents.
- 26 (6) A public charter school may sue or be sued as a separate legal entity.
- 27 (7) The sponsor, members of the governing board of the sponsor acting in their official capacities
- 28 and employees of a sponsor acting in their official capacities are immune from civil liability with
- 29 respect to all activities related to a public charter school within the scope of their duties or em-
- 30 ployment.
- 31 (8) A public charter school may enter into contracts and may lease facilities and services from
- 32 a school district, education service district, public university listed in ORS 352.002, other govern-
- 33 mental unit or any person or legal entity.
- 34 (9) A public charter school may not levy taxes or issue bonds under which the public incurs li-
- 35 ability.
- 36 (10) A public charter school may receive and accept gifts, grants and donations from any source
- 37 for expenditure to carry out the lawful functions of the school.
- 38 (11) The school district in which the public charter school is located shall offer a high school
- 39 diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter
- 40 school student who meets the district’s and state’s standards for a high school diploma, a modified
- 41 diploma, an extended diploma or an alternative certificate.
- 42 (12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate
- 43 issued by a public charter school grants to the holder the same rights and privileges as a high
- 44 school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a
- 45 nonchartered public school.

1 (13) Prior to beginning operation, the public charter school shall show proof of insurance to the  
2 sponsor as specified in the charter.

3 (14) A public charter school may receive services from an education service district in the same  
4 manner as a nonchartered public school in the school district in which the public charter school is  
5 located.

6 **SECTION 49.** ORS 338.135 is amended to read:

7 338.135. (1) Employee assignment to a public charter school shall be voluntary.

8 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-  
9 ployer of any employees of the public charter school. If a school district board is not the sponsor  
10 of the public charter school, the school district board may not be the employer of the employees of  
11 the public charter school and the school district board may not collectively bargain with the em-  
12 ployees of the public charter school. The public charter school governing body shall control the  
13 selection of employees at the public charter school.

14 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts  
15 with a for-profit entity to provide educational services through the virtual public charter school, the  
16 for-profit entity may not be the employer of any employees of the virtual public charter school un-  
17 less:

18 (A) The employee is an administrator who does not have any teaching responsibilities; and

19 (B) Both the executive officer of the sponsor and the public charter school governing body ap-  
20 prove employment by the for-profit entity. The executive officer or governing body may choose to  
21 grant approval under this subparagraph:

22 (i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this  
23 paragraph;

24 (ii) Based on the job categories of the employees who meet the description in subparagraph (A)  
25 of this paragraph; or

26 (iii) On a case-by-case basis for each employee who meets the description in subparagraph (A)  
27 of this paragraph.

28 (3) The school district board of the school district within which the public charter school is lo-  
29 cated shall grant a leave of absence to any employee who chooses to work in the public charter  
30 school. The length and terms of the leave of absence shall be set by negotiated agreement or by  
31 board policy. However, the length of the leave of absence may not be less than two years unless:

32 (a) The charter of the public charter school is terminated or the public charter school is dis-  
33 solved or closed during the leave of absence; or

34 (b) The employee and the school district board have mutually agreed to a different length of  
35 time.

36 (4) An employee of a public charter school operating within a school district who is granted a  
37 leave of absence from the school district and returns to employment with the school district shall  
38 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
39 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of  
40 a public charter school not operating within the school district may make provisions for the return  
41 of the employee to employment with the school district.

42 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a  
43 public employer and as such shall participate in the Public Employees Retirement System.

44 (6) For teacher licensing, employment experience in public charter schools shall be considered  
45 equivalent to experience in public schools.

1 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or  
 2 registered to administer by the Teacher Standards and Practices Commission.

3 (b) Any person employed as a teacher in a public charter school shall be licensed or registered  
 4 to teach by the commission.

5 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time  
 6 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by  
 7 the commission pursuant to ORS **342.125 (2)(c) or (3)(f) or (g)**, 342.135, 342.136[,] **or** 342.138 [*or*  
 8 *342.140*].

9 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
 10 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member  
 11 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
 12 at the public charter school may be separate from other bargaining units of the sponsor or of the  
 13 school district in which the public charter school is located. Employees of a public charter school  
 14 may be part of the bargaining units of the sponsor or of the school district in which the public  
 15 charter school is located.

16 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter  
 17 school in a collective bargaining agreement.

18 **SECTION 50.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, is  
 19 amended to read:

20 338.135. (1) Employee assignment to a public charter school shall be voluntary.

21 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-  
 22 ployer of any employees of the public charter school. If a school district board is not the sponsor  
 23 of the public charter school, the school district board may not be the employer of the employees of  
 24 the public charter school and the school district board may not collectively bargain with the em-  
 25 ployees of the public charter school. The public charter school governing body shall control the  
 26 selection of employees at the public charter school.

27 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts  
 28 with a for-profit entity to provide educational services through the virtual public charter school, the  
 29 for-profit entity may not be the employer of any employees of the virtual public charter school.

30 (3) The school district board of the school district within which the public charter school is lo-  
 31 cated shall grant a leave of absence to any employee who chooses to work in the public charter  
 32 school. The length and terms of the leave of absence shall be set by negotiated agreement or by  
 33 board policy. However, the length of the leave of absence may not be less than two years unless:

34 (a) The charter of the public charter school is terminated or the public charter school is dis-  
 35 solved or closed during the leave of absence; or

36 (b) The employee and the school district board have mutually agreed to a different length of  
 37 time.

38 (4) An employee of a public charter school operating within a school district who is granted a  
 39 leave of absence from the school district and returns to employment with the school district shall  
 40 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
 41 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of  
 42 a public charter school not operating within the school district may make provisions for the return  
 43 of the employee to employment with the school district.

44 (5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a  
 45 public employer and as such shall participate in the Public Employees Retirement System.

1 (6) For teacher licensing, employment experience in public charter schools shall be considered  
2 equivalent to experience in public schools.

3 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or  
4 registered to administer by the Teacher Standards and Practices Commission.

5 (b) Any person employed as a teacher in a public charter school shall be licensed or registered  
6 to teach by the commission.

7 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time  
8 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by  
9 the commission pursuant to ORS **342.125 (2)(c) or (3)(f) or (g)**, 342.135, 342.136[,] **or** 342.138 [or  
10 342.140].

11 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
12 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member  
13 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
14 at the public charter school may be separate from other bargaining units of the sponsor or of the  
15 school district in which the public charter school is located. Employees of a public charter school  
16 may be part of the bargaining units of the sponsor or of the school district in which the public  
17 charter school is located.

18 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter  
19 school in a collective bargaining agreement.

20 **SECTION 51.** ORS 351.115 is amended to read:

21 351.115. The Oregon University System shall offer a diversity of [*teacher education*] **educator**  
22 **preparation** programs, inclusive of four-year and five-year options for completion of the programs.  
23 Both of these options shall qualify for teacher licensing of persons completing the programs.

24 **SECTION 52.** ORS 681.375 is amended to read:

25 681.375. The State Board of Examiners for Speech-Language Pathology and Audiology shall  
26 adopt rules to define the role of speech-language pathology assistants, including but not limited to:

27 (1) The responsibilities of speech-language pathologists for the supervision and instruction of  
28 speech-language pathology assistants, including the frequency, duration and documentation of direct,  
29 on-site supervision and the quantity and content of instruction.

30 (2) The ratio of speech-language pathology assistants to speech-language pathologists.

31 (3) The scope of duties and restrictions on responsibilities of speech-language pathology assist-  
32 ants.

33 (4) The qualifications that must be met before a speech-language pathology assistant may be  
34 certified.

35 (5) Clarification of the differences between the scope of duties of speech-language pathology as-  
36 sistants and of [*educational*] **instructional** assistants as described in ORS 681.360 (5).

37 **SECTION 53.** Section 1, chapter 98, Oregon Laws 2014, is amended to read:

38 **Sec. 1.** (1) The Department of Education shall make grants to improve student achievement in  
39 schools that:

40 (a) Are considered high poverty under Title I of the federal Elementary and Secondary Educa-  
41 tion Act of 1965;

42 (b) The department had not identified prior to January 1, 2014, as focus or priority schools  
43 pursuant to a flexibility waiver submitted to the United States Department of Education; and

44 (c) The Department of Education has identified as needing additional supports and interventions  
45 pursuant to a flexibility waiver submitted to the United States Department of Education, based on:

1 (A) Criteria used by the Department of Education to measure the performance of the schools;  
2 and

3 (B) The schools' performance ranking compared to similar schools.

4 (2) The department shall identify schools to receive grants as provided in this section and shall  
5 notify the identified schools of the schools' eligibility to receive grants as provided in this section.

6 (3) Moneys received by a school under this section must be used to provide instructional time  
7 during a summer program. The summer program must provide at least 60 hours of direct academic  
8 instruction by a teacher licensed under ORS 342.125 or by an [*educational*] **instructional** assistant,  
9 as defined in ORS 342.120.

10 (4) The State Board of Education may adopt any rules necessary for the administration of this  
11 section.

12 **SECTION 54. ORS 342.140, 342.156, 342.167, 342.190, 342.197, 342.227 and 342.232 are re-**  
13 **pealed.**

14